

HOUSE BILL NO. 5049

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Appropriations

on _____)

(Patron Prior to Substitute--Delegate Helmer)

A BILL to amend and reenact §§ 9.1-101, 9.1-102, 15.2-1123.1, and 18.2-312 of the Code of Virginia; to amend the Code of Virginia by adding in Title 2.2 a chapter numbered 55.4, consisting of a section numbered 2.2-5515, and by adding sections numbered 15.2-1721.1 and 15.2-1722.2; and to repeal § 52-11.3 of the Code of Virginia, relating to acquisition and use of military property by law-enforcement agencies.

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-101, 9.1-102, 15.2-1123.1, and 18.2-312 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 2.2 a chapter numbered 55.4, consisting of a section numbered 2.2-5515, and by adding sections numbered 15.2-1721.1 and 15.2-1722.2 as follows:

CHAPTER 55.4.LIMITATION ON ACQUISITION OF MILITARY PROPERTY.**§ 2.2-5515. Acquisition of military property.**

A. No agency of the Commonwealth or director or chief executive of any agency or department employing law-enforcement officers as defined in § 9.1-101 shall acquire, purchase, or otherwise accept on any terms (i) weaponized unmanned aerial vehicles; (ii) aircraft that are configured for combat or are combat-coded and have no established commercial flight application; (iii) grenades or similar explosives or grenade launchers; (iv) armored multi-wheeled vehicles that are mine-resistant, ambush-protected, and configured for combat from a surplus program operated by the federal government; or (v) camouflage uniforms.

B. Any agency of the Commonwealth or director or chief executive of any agency or department employing law-enforcement officers as defined in § 9.1-101 that has previously acquired any property listed in subsection A is prohibited from using such items unless such agency, director, or chief executive has received a waiver to use such items from the Department of Criminal Justice Services. Any waiver request made to the Department of Criminal Justice Services, with the exception of the Department of State Police, shall be limited to special weapons and tactics unit or other equivalent unit use only. The Department of State Police may seek a waiver for any of its units.

C. Any agency of the Commonwealth or director or chief executive of any agency or department employing law-enforcement officers as defined in § 9.1-101 that requests property from a surplus program operated by the federal government shall publish a notice of such request on a publicly accessible website within 14 days after making the request.

D. Nothing in this section shall be construed as prohibiting the acquisition, purchase, or otherwise acceptance of any personal protective equipment, naloxone or other lifesaving medication, or any personal property that is not specifically prohibited pursuant to subsection A from the federal government.

E. The provisions of this section shall not apply to the Virginia National Guard or Virginia Defense Force.

§ 9.1-101. Definitions.

As used in this chapter or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, unless the context requires a different meaning:

"Administration of criminal justice" means performance of any activity directly involving the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders or the collection, storage, and dissemination of criminal history record information.

"Board" means the Criminal Justice Services Board.

"Conviction data" means information in the custody of any criminal justice agency relating to a judgment of conviction, and the consequences arising therefrom, in any court.

"Correctional status information" means records and data concerning each condition of a convicted person's custodial status, including probation, confinement, work release, study release, escape, or termination of custody through expiration of sentence, parole, pardon, or court decision.

"Criminal history record information" means records and data collected by criminal justice agencies on adult individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal charges, and any disposition arising therefrom. The term shall not include juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title 16.1, criminal justice intelligence information, criminal justice investigative information, or correctional status information.

"Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof which as its principal function performs the administration of criminal justice and any other agency or subunit thereof which performs criminal justice activities, but only to the extent that it does so; (ii) for the purposes of Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which, within the context of its criminal justice activities, employs special conservators of the peace appointed under Chapter 2 (§ 19.2-12 et seq.) of Title 19.2, provided that (a) such private corporation or agency requires its officers or special conservators to meet compulsory training standards established by the Criminal Justice Services Board and submits reports of compliance with the training standards and (b) the private corporation or agency complies with the provisions of Article 3 (§ 9.1-126 et seq.), but only to the extent that the private corporation or agency so designated as a criminal justice agency performs criminal justice activities; and (iii) the Office of the Attorney General, for all criminal justice activities otherwise permitted under clause (i) and for the purpose of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.).

"Criminal justice agency" includes any program certified by the Commission on VASAP pursuant to § 18.2-271.2.

"Criminal justice agency" includes the Department of Criminal Justice Services.

"Criminal justice agency" includes the Virginia Criminal Sentencing Commission.

"Criminal justice agency" includes the Virginia State Crime Commission.

"Criminal justice information system" means a system including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of criminal history record information. The operations of the system may be performed manually or by using electronic computers or other automated data processing equipment.

"Department" means the Department of Criminal Justice Services.

"Dissemination" means any transfer of information, whether orally, in writing, or by electronic means. The term shall not include access to the information by officers or employees of a criminal justice agency maintaining the information who have both a need and right to know the information.

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision thereof, or any full-time or part-time employee of a private police department, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, and shall include any (i) special agent of the Virginia Alcoholic Beverage Control Authority; (ii) police agent appointed under the provisions of § 56-353; (iii) officer of the Virginia Marine Police; (iv) conservation police officer who is a full-time sworn member of the enforcement division of the Department of Wildlife Resources; (v) investigator who is a sworn member of the security division of the Virginia Lottery; (vi) conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; (vii) full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217; (viii) animal protection police officer employed under § 15.2-632 or 15.2-836.1; (ix) campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; (x) member of the investigations unit designated by the State Inspector General pursuant to § 2.2-311 to investigate allegations of criminal behavior affecting the operations of a state or nonstate agency; (xi) employee with internal investigations authority designated by the Department of Corrections pursuant to subdivision 11 of § 53.1-10 or by the Department of Juvenile Justice pursuant to subdivision A 7 of § 66-3; or (xii) private police officer employed by a private police department. Part-time employees are those compensated officers who are not full-time employees as defined by the employing police department, sheriff's office, or private police department.

106 "Private police department" means any police department, other than a department that employs
107 police agents under the provisions of § 56-353, that employs private police officers operated by an entity
108 authorized by statute or an act of assembly to establish a private police department or such entity's
109 successor in interest, provided it complies with the requirements set forth herein. No entity is authorized
110 to operate a private police department or represent that it is a private police department unless such entity
111 has been authorized by statute or an act of assembly or such entity is the successor in interest of an entity
112 that has been authorized pursuant to this section, provided it complies with the requirements set forth
113 herein. The authority of a private police department shall be limited to real property owned, leased, or
114 controlled by the entity and, if approved by the local chief of police or sheriff, any contiguous property;
115 such authority shall not supersede the authority, duties, or jurisdiction vested by law with the local police
116 department or sheriff's office including as provided in §§ 15.2-1609 and 15.2-1704. The chief of police or
117 sheriff who is the chief local law-enforcement officer shall enter into a memorandum of understanding
118 with the private police department that addresses the duties and responsibilities of the private police
119 department and the chief law-enforcement officer in the conduct of criminal investigations. Private police
120 departments and private police officers shall be subject to and comply with the Constitution of the United
121 States; the Constitution of Virginia; the laws governing municipal police departments, including the
122 provisions of §§ 9.1-600, 15.2-1705 through 15.2-1708, 15.2-1719, 15.2-1721, 15.2-1721.1, and 15.2-
123 1722; and any regulations adopted by the Board that the Department designates as applicable to private
124 police departments. Any person employed as a private police officer pursuant to this section shall meet all
125 requirements, including the minimum compulsory training requirements, for law-enforcement officers
126 pursuant to this chapter. A private police officer is not entitled to benefits under the Line of Duty Act (§
127 9.1-400 et seq.) or under the Virginia Retirement System, is not a "qualified law enforcement officer" or
128 "qualified retired law enforcement officer" within the meaning of the federal Law Enforcement Officers
129 Safety Act, 18 U.S.C. § 926B et seq., and shall not be deemed an employee of the Commonwealth or any
130 locality. An authorized private police department may use the word "police" to describe its sworn officers
131 and may join a regional criminal justice academy created pursuant to Article 5 (§ 15.2-1747 et seq.) of
132 Chapter 17 of Title 15.2. Any private police department in existence on January 1, 2013, that was not

otherwise established by statute or an act of assembly and whose status as a private police department was recognized by the Department at that time is hereby validated and may continue to operate as a private police department as may such entity's successor in interest, provided it complies with the requirements set forth herein.

"School resource officer" means a certified law-enforcement officer hired by the local law-enforcement agency to provide law-enforcement and security services to Virginia public elementary and secondary schools.

"School security officer" means an individual who is employed by the local school board or a private or religious school for the singular purpose of maintaining order and discipline, preventing crime, investigating violations of the policies of the school board or the private or religious school, and detaining students violating the law or the policies of the school board or the private or religious school on school property, school buses, or at school-sponsored events and who is responsible solely for ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in the assigned school.

"Unapplied criminal history record information" means information pertaining to criminal offenses submitted to the Central Criminal Records Exchange that cannot be applied to the criminal history record of an arrested or convicted person (i) because such information is not supported by fingerprints or other accepted means of positive identification or (ii) due to an inconsistency, error, or omission within the content of the submitted information.

§ 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General

Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time required for completion of such training;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. [Repealed];

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies and correctional officers employed by the Department of Corrections under the provisions of Title 53.1. For correctional officers employed by the Department of Corrections, such standards shall include training on the general care of pregnant women, the impact of

restraints on pregnant inmates and fetuses, the impact of being placed in restrictive housing or solitary confinement on pregnant inmates, and the impact of body cavity searches on pregnant inmates;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and institutions of higher education within or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;

13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;

14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;

15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training schools approved by the Department;

16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;

17. Make recommendations concerning any matter within its purview pursuant to this chapter;

18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;

211 19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this
212 chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to
213 submit information, reports, and statistical data with respect to its policy and operation of information
214 systems or with respect to its collection, storage, dissemination, and usage of criminal history record
215 information and correctional status information, and such criminal justice agencies shall submit such
216 information, reports, and data as are reasonably required;

217 20. Conduct audits as required by § 9.1-131;

218 21. Conduct a continuing study and review of questions of individual privacy and confidentiality
219 of criminal history record information and correctional status information;

220 22. Advise criminal justice agencies and initiate educational programs for such agencies with
221 respect to matters of privacy, confidentiality, and security as they pertain to criminal history record
222 information and correctional status information;

223 23. Maintain a liaison with any board, commission, committee, or other body which may be
224 established by law, executive order, or resolution to regulate the privacy and security of information
225 collected by the Commonwealth or any political subdivision thereof;

226 24. Adopt regulations establishing guidelines and standards for the collection, storage, and
227 dissemination of criminal history record information and correctional status information, and the privacy,
228 confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and
229 court orders;

230 25. Operate a statewide criminal justice research center, which shall maintain an integrated
231 criminal justice information system, produce reports, provide technical assistance to state and local
232 criminal justice data system users, and provide analysis and interpretation of criminal justice statistical
233 information;

234 26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law
235 enforcement and the administration of criminal justice throughout the Commonwealth, and periodically
236 update that plan;

237 27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the
238 Commonwealth, and units of general local government, or combinations thereof, including planning
239 district commissions, in planning, developing, and administering programs, projects, comprehensive
240 plans, and other activities for improving law enforcement and the administration of criminal justice
241 throughout the Commonwealth, including allocating and subgranting funds for these purposes;

242 28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects
243 and activities for the Commonwealth and units of general local government, or combinations thereof, in
244 the Commonwealth, designed to strengthen and improve law enforcement and the administration of
245 criminal justice at every level throughout the Commonwealth;

246 29. Review and evaluate programs, projects, and activities, and recommend, where necessary,
247 revisions or alterations to such programs, projects, and activities for the purpose of improving law
248 enforcement and the administration of criminal justice;

249 30. Coordinate the activities and projects of the state departments, agencies, and boards of the
250 Commonwealth and of the units of general local government, or combination thereof, including planning
251 district commissions, relating to the preparation, adoption, administration, and implementation of
252 comprehensive plans to strengthen and improve law enforcement and the administration of criminal
253 justice;

254 31. Do all things necessary on behalf of the Commonwealth and its units of general local
255 government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets
256 Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for
257 strengthening and improving law enforcement, the administration of criminal justice, and delinquency
258 prevention and control;

259 32. Receive, administer, and expend all funds and other assistance available to the Board and the
260 Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets
261 Act of 1968, as amended;

262 33. Apply for and accept grants from the United States government or any other source in carrying
263 out the purposes of this chapter and accept any and all donations both real and personal, and grants of

264 money from any governmental unit or public agency, or from any institution, person, firm or corporation,
265 and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be
266 detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature
267 of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be
268 deposited in the state treasury to the account of the Department. To these ends, the Board shall have the
269 power to comply with conditions and execute such agreements as may be necessary;

270 34. Make and enter into all contracts and agreements necessary or incidental to the performance
271 of its duties and execution of its powers under this chapter, including but not limited to, contracts with the
272 United States, units of general local government or combinations thereof, in Virginia or other states, and
273 with agencies and departments of the Commonwealth;

274 35. Adopt and administer reasonable regulations for the planning and implementation of programs
275 and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth
276 and to units of general local government, and for carrying out the purposes of this chapter and the powers
277 and duties set forth herein;

278 36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-
279 1707;

280 37. Establish training standards and publish and periodically update model policies for law-
281 enforcement personnel in the following subjects:

282 a. The handling of family abuse, domestic violence, sexual assault, and stalking cases, including
283 standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The
284 Department shall provide technical support and assistance to law-enforcement agencies in carrying out
285 the requirements set forth in subsection A of § 9.1-1301;

286 b. Communication with and facilitation of the safe return of individuals diagnosed with
287 Alzheimer's disease;

288 c. Sensitivity to and awareness of cultural diversity and the potential for biased policing;

289 d. Protocols for local and regional sexual assault response teams;

290 e. Communication of death notifications;

- 291 f. The questioning of individuals suspected of driving while intoxicated concerning the physical
292 location of such individual's last consumption of an alcoholic beverage and the communication of such
293 information to the Virginia Alcoholic Beverage Control Authority;
- 294 g. Vehicle patrol duties that embody current best practices for pursuits and for responding to
295 emergency calls;
- 296 h. Criminal investigations that embody current best practices for conducting photographic and live
297 lineups;
- 298 i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of
299 human trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or
300 street patrol duties; and
- 301 j. Missing children, missing adults, and search and rescue protocol;
- 302 38. Establish compulsory training standards for basic training and the recertification of law-
303 enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for biased
304 policing;
- 305 39. Review and evaluate community-policing programs in the Commonwealth, and recommend
306 where necessary statewide operating procedures, guidelines, and standards which strengthen and improve
307 such programs, including sensitivity to and awareness of cultural diversity and the potential for biased
308 policing;
- 309 40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation
310 with Virginia law-enforcement agencies, provide technical assistance and administrative support,
311 including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The
312 Center may provide accreditation assistance and training, resource material, and research into methods
313 and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia
314 accreditation status;
- 315 41. Promote community policing philosophy and practice throughout the Commonwealth by
316 providing community policing training and technical assistance statewide to all law-enforcement agencies,
317 community groups, public and private organizations and citizens; developing and distributing innovative

policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

42. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, including school security officers described in clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the Virginia Center for School and Campus Safety (VCSCS) pursuant to § 9.1-184. Such training standards shall be specific to the role and responsibility of school security officers and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques such as a physical alternative to restraint; (v) disaster and emergency response; (vi) awareness of cultural diversity and implicit bias; (vii) working with students with disabilities, mental health needs, substance abuse disorders, and past traumatic experiences; and (viii) student behavioral dynamics, including child and adolescent development and brain research. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of the standards and certification requirements in this subdivision. The Department shall require any school security officer who carries a firearm in the performance of his duties to provide proof that he has completed a training course provided by a federal, state, or local law-enforcement agency that includes training in active shooter emergency response, emergency evacuation procedure, and threat assessment;

43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);

345 44. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

346 45. In conjunction with the Virginia State Police and the State Compensation Board, advise
347 criminal justice agencies regarding the investigation, registration, and dissemination of information
348 requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et
349 seq.);

350 46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training
351 curricula, and (iii) certification requirements for campus security officers. Such training standards shall
352 include, but not be limited to, the role and responsibility of campus security officers, relevant state and
353 federal laws, school and personal liability issues, security awareness in the campus environment, and
354 disaster and emergency response. The Department shall provide technical support and assistance to
355 campus police departments and campus security departments on the establishment and implementation of
356 policies and procedures, including but not limited to: the management of such departments, investigatory
357 procedures, judicial referrals, the establishment and management of databases for campus safety and
358 security information sharing, and development of uniform record keeping for disciplinary records and
359 statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall
360 establish an advisory committee consisting of college administrators, college police chiefs, college
361 security department chiefs, and local law-enforcement officials to assist in the development of the
362 standards and certification requirements and training pursuant to this subdivision;

363 47. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs
364 established pursuant to § 9.1-187;

365 48. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and
366 attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human
367 trafficking offenses using the common law and existing criminal statutes in the Code of Virginia;

368 49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of §
369 46.2-117;

370 50. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional
371 Standards Committee by providing technical assistance and administrative support, including staffing, for
372 the Committee;

373 51. In accordance with § 9.1-102.1, design and approve the issuance of photo-identification cards
374 to private security services registrants registered pursuant to Article 4 (§ 9.1-138 et seq.);

375 52. In consultation with the State Council of Higher Education for Virginia and the Virginia
376 Association of Campus Law Enforcement Administrators, develop multidisciplinary curricula on trauma-
377 informed sexual assault investigation;

378 53. In consultation with the Department of Behavioral Health and Developmental Services,
379 develop a model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail
380 officers, administrators, or superintendents in any local or regional jail. Such program shall be based on
381 any existing addiction recovery programs that are being administered by any local or regional jails in the
382 Commonwealth. Participation in the model addiction recovery program shall be voluntary, and such
383 program may address aspects of the recovery process, including medical and clinical recovery, peer-to-
384 peer support, availability of mental health resources, family dynamics, and aftercare aspects of the
385 recovery process;

386 54. Establish compulsory minimum training standards for certification and recertification of law-
387 enforcement officers serving as school resource officers. Such training shall be specific to the role and
388 responsibility of a law-enforcement officer working with students in a school environment and shall
389 include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness
390 in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques; (v)
391 disaster and emergency response; (vi) awareness of cultural diversity and implicit bias; (vii) working with
392 students with disabilities, mental health needs, substance abuse disorders, or past traumatic experiences;
393 and (viii) student behavioral dynamics, including current child and adolescent development and brain
394 research;

395 55. Establish a model policy for the operation of body-worn camera systems as defined in § 15.2-
396 1723.1 that also addresses the storage and maintenance of body-worn camera system records;

397 56. Establish compulsory minimum training standards for detector canine handlers employed by
398 the Department of Corrections, standards for the training and retention of detector canines used by the
399 Department of Corrections, and a central database on the performance and effectiveness of such detector
400 canines that requires the Department of Corrections to submit comprehensive information on each canine
401 handler and detector canine, including the number and types of calls and searches, substances searched
402 for and whether or not detected, and the number of false positives, false negatives, true positives, and true
403 negatives;

404 57. Establish compulsory training standards for basic training of law-enforcement officers for
405 recognizing and managing stress, self-care techniques, and resiliency; ~~and~~

406 58. Establish and administer a waiver process, in accordance with §§ 2.2-5515 and 15.2-1721.1,
407 for law-enforcement agencies to use certain military property. Any waivers granted shall be published by
408 the Department on the Department's website; and

409 59. Perform such other acts as may be necessary or convenient for the effective performance of its
410 duties.

411 **§ 15.2-1123.1. Lynchburg Regional Airport police department.**

412 The City of Lynchburg may by ordinance establish an airport police department at the Lynchburg
413 Regional Airport. The authority of the airport police department shall be limited to real property owned,
414 leased, or controlled by the Airport. Such authority shall not supersede the authority, duties, or jurisdiction
415 vested by law with the local police department or sheriff's office, including as provided in §§ 15.2-1609
416 and 15.2-1704. The airport police department and airport police officers shall be subject to and comply
417 with the Constitution of the United States; the Constitution of Virginia; the laws governing municipal
418 police departments, including the provisions of §§ 9.1-600, 15.2-1705 through 15.2-1708, 15.2-1719,
419 15.2-1721, 15.2-1721.1, and 15.2-1722; and any regulations adopted by the Criminal Justice Services
420 Board that the Department of Criminal Justice Services designates as applicable to private police
421 departments. Any person employed as an airport police officer pursuant to this section shall meet all
422 requirements, including the minimum compulsory training requirements, for law-enforcement officers
423 pursuant to Chapter 1 (§ 9.1-100 et seq.) of Title 9.1. An airport police officer is not entitled to benefits

under the Line of Duty Act (§ 9.1-400 et seq.) or under the Virginia Retirement System, is not a "qualified law-enforcement officer" or "qualified retired law-enforcement officer" within the meaning of the federal Law Enforcement Officers Safety Act, 18 U.S.C. § 926B et seq., and shall not be deemed an employee of the Commonwealth. The airport police department may use the word "police" to describe its sworn officers and may join a regional criminal justice academy created pursuant to Article 5 (§ 15.2-1747 et seq.) of Chapter 17 of Title 15.2.

§ 15.2-1721.1. Acquisition of military property by localities.

A. No locality, sheriff, chief of police, or director or chief executive of any agency or department employing deputy sheriffs or law-enforcement officers as defined in § 9.1-101, or any public or private institution of higher education that has established a campus police department pursuant to Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 shall acquire, purchase, or otherwise accept on any terms (i) weaponized unmanned aerial vehicles; (ii) aircraft that are configured for combat or are combat-coded and have no established commercial flight application; (iii) grenades or similar explosives or grenade launchers; (iv) armored multi-wheeled vehicles that are mine-resistant, ambush-protected, and configured for combat from a surplus program operated by the federal government; or (v) camouflage uniforms.

B. Any locality, sheriff, chief of police, or director or chief executive of any agency or department employing deputy sheriffs or law-enforcement officers as defined in § 9.1-101 that has previously acquired any property listed in subsection A is prohibited from using such items unless such locality, sheriff, chief of police, or director or chief executive has received a waiver to use such items from the Department of Criminal Justice Services. Any waiver request made to the Department of Criminal Justice Services shall be limited to special weapons and tactics unit or other equivalent unit use only.

C. Any locality, sheriff, chief of police, or director or chief executive of any agency or department employing deputy sheriffs or law-enforcement officers as defined in § 9.1-101 that requests property from a surplus program operated by the federal government shall publish a notice of such request on a publicly accessible website within 14 days after making the request.

D. Nothing in this section shall be construed as prohibiting the acquisition, purchase, or otherwise acceptance of any personal protective equipment, naloxone or other lifesaving medication, or any personal property that is not specifically prohibited pursuant to subsection A from the federal government.

§ 15.2-1722.2. Prohibition on the use of kinetic impact munitions by law-enforcement officers.

A. As used in this section, "kinetic impact munitions" includes impact rounds and baton rounds, such as rubber batons, bean bag rounds, foam baton rounds, and plastic, wax, wood, or rubber-coated projectiles.

B. The use of kinetic impact munitions as a crowd control measure by a law-enforcement officer as defined in § 9.1-101 is prohibited unless (i) (a) an unlawful assembly, as defined in § 18.2-406, has been declared and (b) a warning to disperse has been announced unless a reasonable law-enforcement officer believes that the announcement of such warning will risk serious bodily injury or death to such law-enforcement officer or another person; (ii) such law-enforcement officer using or attempting to use a kinetic impact munition has received training and has been qualified in the past year to use kinetic impact munitions as a crowd control measure; (iii) such law-enforcement officer reasonably believes that the use of such kinetic impact munitions is immediately necessary to protect the law-enforcement officer or another person from the threat of serious bodily injury or death; and (iv) such use of kinetic impact munitions is targeted at the specific persons who are the cause of such threat of serious bodily injury or death.

C. In addition to any other penalty authorized by law, a violation of this section is grounds for disciplinary action against the law-enforcement officer, including dismissal, demotion, suspension, or transfer of the law-enforcement officer.

§ 18.2-312. Illegal use of tear gas, phosgene gas, and other gases; penalties.

A. If any person maliciously ~~release or cause or procure~~ releases or causes or procures to be released in any private home, place of business, or place of public gathering any tear gas, mustard gas, phosgene gas, or other noxious or nauseating gases or mixtures of chemicals designed to, ~~produce~~ and

capable of; producing vile or injurious or nauseating odors or gases; and bodily injury results to any person from such gas or odor, the offending person ~~shall be~~ is guilty of a Class 3 felony.

If such act ~~be~~ is done unlawfully, but not maliciously, the offending person ~~shall be~~ is guilty of a Class 6 felony.

~~Nothing herein contained shall prevent the use of tear gas or other gases by police officers or other peace officers in the proper performance of their duties, or by any person or persons in the protection of person, life or property.~~

B. Law-enforcement officers as defined in § 9.1-101 may use crowd control measures that are not prohibited for use by military forces under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction and may use tear gas if (i) an unlawful assembly, as defined in § 18.2-406, has been declared and a warning to disperse has been announced; (ii) a verbal announcement sufficient to be heard by the unlawful assembly of the intent to use tear gas as a crowd control measure has been provided; (iii) reasonable time has been allowed for persons remaining at the unlawful assembly to disperse; (iv) if feasible, a second verbal announcement sufficient to be heard by the unlawful assembly has been provided immediately prior to the use of tear gas; and (v) such law-enforcement officer using or attempting to use tear gas has received training and has been qualified in the past year to use tear gas as a crowd control measure.

In addition to any other penalty authorized by law, a violation of this subsection is grounds for disciplinary action against the law-enforcement officer, including dismissal, demotion, suspension, or transfer of the law-enforcement officer.

2. That § 52-11.3 of the Code of Virginia is repealed.

3. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is _____ for periods of imprisonment in state adult correctional facilities; therefore, Chapter 1289 of the Acts of Assembly of 2020 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of

501 Virginia, the estimated amount of the necessary appropriation is _____ for periods of
502 commitment to the custody of the Department of Juvenile Justice.

503 4. That the Department of Criminal Justice Services shall promulgate regulations to implement the
504 provisions of this act to be effective within 280 days of its enactment.

505 5. That this act shall be referred to as the Best Equipment for Law-Enforcement Act.

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